

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

HAROLD JOSEPH KENDALL	)	
Individually, and as	)	
the Administrator of the	)	
ESTATE OF SHANE MIGUEL	)	
KENDALL,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.
	)	1:23-cv-00416-JPB
	)	
v.	)	
	)	
FULTON COUNTY, GEORGIA	)	
a political subdivision	)	
of the State of Georgia;	)	
NAPCARE, INC.	)	
an Alabama corporation,	)	
SHERIFF PATRICK LABAT,	)	
in his individual capacity as Sheriff of	)	
Fulton County, Georgia,	)	
LIEUTENANT JIMMY KENNEDY	)	
of Fulton County's Sheriff's Office	)	
in his individual capacity,	)	
LIEUTENANT ROBERT GRADY	)	
of Fulton County's Sheriff's Office	)	
in his individual capacity,	)	
Cadet ALBERNISHA BLACKMAN,	)	
in her individual capacity,	)	
Deputy RAYSHAUN CLARK,	)	
In his individual capacity,	)	
MICHAEL AGYEI, individually and,	)	
EDITH NWANKWO, individually,	)	
	)	
Defendants.	)	

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**FULTON COUNTY AND SHERIFF PATRICK LABAT'S**  
**MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)6**

COMES NOW Fulton County and Sheriff Patrick Labat, in his individual capacity, by and through undersigned counsel and hereby files this Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The legal authority supporting this motion is filed contemporaneously herewith.

Respectfully submitted, this 30th of March 2023.

Y. Soo Jo  
Fulton County Attorney

**OFFICE OF THE FULTON  
COUNTY ATTORNEY**

Kaye W. Woodard-Burwell  
Deputy County Counsel  
Georgia Bar No. 775060

Shalanda M. J. Miller  
Deputy County Counsel  
Georgia Bar No. 122544

/s/ **Sandy Milord**  
Sandy Milord  
Senior Assistant County Counsel  
Georgia Bar No. 622391

**ATTORNEYS FOR FULTON  
COUNTY AND SHERIFF  
PATRICK LABAT**

141 Pryor Street, S.W., Suite 4038  
Atlanta, Georgia 30303  
(404) 612-0246 (office)|(404) 730-6324 (facsimile)

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MICHAEL AGYEI, individually and,	)	
EDITH NWANKWO, individually,	)	
	)	
Defendants.	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that **FULTON COUNTY AND SHERIFF PATRICK LABAT'S MOTION TO DISMISS AND BRIEF IN SUPPORT PURSUANT TO FED. R. CIV. P. 12(b)6** has been prepared and submitted in 14-point Times New Roman font and complies with Local Rules 5.1 and 7 and that on the date listed below, I filed a copy with the Clerk of Court using the CM/ECF system, which will provide email notification to the following counsel of record:

Rachel Kaufman  
Kaufman Law Firm, LLC  
133 Nassau Street NW  
Atlanta, GA 30303-2035

This 30th day of March, 2023.

**/s/ Sandy Milord**  
Sandy Milord  
Senior Assistant County Counsel  
Georgia Bar No. 622391

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